

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004-160027-GRK

REGULATORY PROJECT MANAGER: Gary Knapton

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **Y** **Date:** 10/29/04

At the project site (Y/N) **N** **Date:**

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Winnebago

Center coordinates of site by latitude & longitude coordinates:

Lat /Long: 43.9977631913476, -88.6174726262036

Approximate size of site/property (including uplands) in acres

17 acres

Name or waterway of watershed: Fox River, Wisconsin watershed.

| Type of Aquatic Resource ¹ : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | X | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (identify type) | | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce? | | | | | X |

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Approved**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

No field visit of the site has been conducted. Based on wetland data sheets provided in a delineation report by the consultant, the isolated wetland has no inlet or outlet and is surrounded by tilled agricultural land. The area is surrounded by non-hydric soils. .

The delineation report indicates there are 2 distinct wetland areas on the site of which 1 is isolated. The site consists of two parcels of land; one 71 acres and I 17 acres. The 71 acre parcel has a wetland adjacent to Sawyer Creek. The 17 acre parcel has only the isolated wetland that is less than 1 acre in size. The data supplied in the delineation report indicated that there is no surface water connection to navigable or inter-state aquatic resource areas for the isolated wetland.